

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

ADMINISTRATIVE ORDER

2006 APR 18 PM 2:02

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF Lone Pine Gas Oil Spill

DOCKET NUMBER: CWA-08-2006-0023

Proceedings under Section 311 (c) of the Clean Water Act (CWA), 33 U.S.C. § 1321 (c), as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq.

I. DEFINITIONS

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (Section 311(a)(1) of the CWA, 33U.S.C. §1321(a)(1)).

"Hazardous substance" means any substance designated pursuant to subsection (b)(2) of this section (Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14)).

"Navigable water of the United States" means the waters of the United States, including the territorial seas (Section 502(7) of the CWA, 33 U.S.C. § 1362(7)).

"Facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than submerged land (Section 311(a)(10) of the CWA, 33U.S.C. §1321(a)(10)).

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping, but excludes (A) discharges in compliance with a permit under section 402 of CWA, (B) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of CWA, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of CWA which are caused by events occurring within the scope of relevant operating or treatment systems (Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2)).

II. FINDINGS OF FACT AND VIOLATIONS

A. This Order is being issued under §311(c) of the Clean Water Act, 33 U.S.C. §1321 for a discharge or a substantial threat of discharge of oil and/or a hazardous substance into waters of the United States.

B. On or about ^{due to snow cover} ~~date unknown~~ (date of discharge), a discharge or a substantial threat of a discharge of ~~unknown~~ gallons/barrels of oil and/or NA, which is/are hazardous substance(s), reached or may reach Hell Creek (body of water) which is a navigable water of the United States. This discharge or substantial threat of a discharge from the Lone Pine Gas - Mr Gilmer Mickey 6784 East Hwy Avenue, Kentonville, CO 80112 (Name and address of facility) facility constitutes a substantial threat to the public health or welfare.

C. Respondent(s) Lone Pine Gas - Mr Gilmer Mickey is/are the owner(s)/operator(s) of the facility.

III. WORK TO BE PERFORMED (Initial all that apply)

A. RESPONDENT IS HEREBY ORDERED to complete the tasks described below within the dates specified and in accordance with the National Contingency Plan, 40 CFR Part 300, and any appropriate area contingency plan, and any applicable §311(j) facility response plan.

B. IMMEDIATE STABILIZATION AND MITIGATION ACTIONS (see attached sheet for further requirements)

Identify source of release and stop
any additional release of oil - Completed BY 3/19/06

Place underflow dam at nearest point to
release to stop & enable recovery - Completed BY 3/19/06

Place an underflow dam at furthest point
downstream ahead of released oil to prevent
further flow. BY 3/19/06

Place absorbent containment booms at various
locations to collect released oil from surface - Completed BY 3/19/06

Work with impacted Determine a plan
for providing alternate water supply to impacted
residents downstream if necessary BY 3/25/06

C. REMOVAL ACTION

X Within 4 days from the date this Order is signed by EPA, Respondent(s) shall develop and submit to EPA for approval, a Work Plan and schedule for completing the tasks described below. Respondent(s) shall begin work within 1 days of EPA approval of the Work Plan. The Work Plan shall include the following tasks:

- Recovery Ops - Vacuum truck to recover oil from water.
Recovery Ops to recover oil from snow, Hell Creek vegetation, Hell
Creek banks & sediments. Disposal of contaminated material & sampling is required.

NA Within days from the date this Order is signed by EPA, Respondent(s) shall develop and submit to EPA for approval, a Sampling Plan and schedule for sampling.

Respondent(s) shall implement the Sampling Plan within ____ days of EPA approval. The Sampling Plan must satisfy the following requirements:

D. REPORTING REQUIREMENTS

X Respondent(s) shall prepare and submit to the On-Scene Coordinator the following reports:

☒ Weekly Progress Reports due on request by Unified Command (EPA, CDPAC, Tach Co, Lumber)

☒ Monthly Progress Reports due on _____

☒ Final Completion Report due 30 days after the completion of the Removal Action

E. OTHER REQUIREMENTS

X _____

IV. RESERVATION OF RIGHTS AND PENALTIES

- A. This Order does not preclude EPA from taking any actions authorized by CWA, the National Contingency Plan, or any other law. EPA reserves the right to direct all activities and to comment on and direct changes to deliverables, off-site shipping and disposal, and all other matters.
- B. Respondent shall notify EPA of any response actions it takes as to this discharge that are in addition to those described in this Order.
- C. Violation of any term of this ORDER may subject Respondents to an administrative civil penalty of up to \$27,500 per day of violation or an amount up to three times the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure. (Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.)

V. EFFECTIVE DATE

The effective date of this ORDER shall be the date of the receipt of this Order by the Respondents.

[Signature]
On-Scene Coordinator

3/18/2006
Date

Received by [Signature]

Representing Respondent

3/18/06
Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
ADMINISTRATIVE ORDER

IN THE MATTER OF the Lone Pine Gas Oil Spill

Docket Number:

Proceedings under Section 311 (c) of the Clean Water Act (CWA), 33 U.S.C. § 1321 (c), as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq.

I. DEFINITIONS

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (Section 311(a)(1) of the CWA, 33U.S.C. §1321(a)(1)).

"Hazardous substance" means any substance designated pursuant to subsection (b)(2) of this section (Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14)).

"Navigable water of the United States" means the waters of the United States, including the territorial seas (Section 502(7) of the CWA, 33 U.S.C. § 1362(7)).

"Facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than submerged land (Section 311(a)(10) of the CWA, 33U.S.C. §1321(a)(10)).

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping, but excludes (A) discharges in compliance with a permit under section 402 of CWA, (B) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of CWA, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of CWA which are caused by events occurring within the scope of relevant operating or treatment systems (Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2)).

II. FINDINGS OF FACT AND VIOLATIONS

A. This Order is being issued under §311(c) of the Clean Water Act, 33 U.S.C. §1321 for a discharge or a substantial threat of discharge of oil and/or a hazardous substance into waters of the United States.

B. On or about date unknown due to snow cover (date of discharge), a discharge or a substantial threat of a discharge of estimated 300-1000 gallons of oil (crude), reached or may reach Hell

Creed (body of water) which is a navigable water of the United States. This discharge or substantial threat of a discharge from the Lone Pine Gas facility occurred due to what is believed to be a leak or break in a production line. The exact location of the leak and the exact time the leak or break occurred is unknown and still being investigated. The source has been stopped and no further release or production is ongoing. The release was discovered during the weekend of 11-12 March 2006. The extent of the release was unknown at that time. On 14 March, Lone Pine identified the release had reached Hell Creek and notified the NRC and Colorado Department of Public Health and Environment. Lone Pine Gas has hired an environmental cleanup contractor to contain and recover released oil. (Name and address of facility) facility constitutes a substantial threat to the public health or welfare.

C. Respondent(s) Lone Pine Gas, 6704 East Long Avenue, Centennial, CO 80112 - Owner Mr. Gilmer Mickey is the owner(s)/operator(s) of the facility.

III. WORK TO BE PERFORMED (Initial all that apply)

A. **RESPONDENT IS HEREBY ORDERED** to complete the tasks described below within the dates specified and in accordance with the National Contingency Plan, 40 CFR Part 300, and any appropriate area contingency plan, and any applicable §311(j) facility response plan.

B. IMMEDIATE STABILIZATION AND MITIGATION ACTIONS (see attached sheet for further requirements)

Identify source of release and stop any additional release of oil.

BY March 19, 2006

Place an underflow dam (or equivalent) at the nearest practical location to the release point to stop additional oil migration and enable recovery operations.

BY March 19, 2006

Place an underflow dam at the furthest practical point downstream ahead of the forward migration of the oil spill to prevent further flow and enable recovery operations.

BY March 19, 2006

Place absorbent and containment boom at various strategic locations to collect released oil from surface water, vegetation and banks of Hell Creek

BY March 19, 2006

Determine a plan for providing alternate water supply to impacted parties resulting from the spill (if necessary)

BY March 25, 2006.

C. REMOVAL ACTION

Within 4 days from the date this Order is signed by EPA, Respondent(s) shall develop and submit to EPA for approval, a Work Plan and schedule for completing the tasks described below. Respondent(s) shall begin work within 4 days of EPA approval of the Work Plan. The Work Plan shall include the following tasks:

- Identify extent of area of contamination.

- Identify what actions will be taken to contain and recover released oil from Hell Creek, vegetation along Hell Creek, the banks and soil around Hell Creek, and any contaminated soil near the source of the spill.
- Determine disposal plan for sorbent material and excavated soil.
- Develop a Final Report to document completion of project.
- Attend periodic progress meeting (TBD by unified command)

D. REPORTING REQUIREMENTS

Respondent(s) shall prepare and submit to the On-Scene Coordinator the following reports:

- Weekly Progress Reports due on _____
- Monthly Progress Reports due on _____
- ☒ Final Completion Report due 30 days after the completion of the Removal Action

E. OTHER REQUIREMENTS

NA

IV. RESERVATION OF RIGHTS AND PENALTIES

- A. This Order does not preclude EPA from taking any actions authorized by CWA, the National Contingency Plan, or any other law. EPA reserves the right to direct all activities and to comment on and direct changes to deliverables, off-site shipping and disposal, and all other matters.
- B. Respondent shall notify EPA of any response actions it takes as to this discharge that are in addition to those described in this Order.
- C. Violation of any term of this ORDER may subject Respondents to an administrative civil penalty of up to \$27,500 per day of violation or an amount up to three times the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure. (Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.)

V. EFFECTIVE DATE

The effective date of this ORDER shall be the date of the receipt of this Order by the Respondents.

On-Scene Coordinator

Date

3/22/06

Received by

Representing Respondent

Date

3/22/06

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **ADMINISTRATIVE ORDER** in the matter **LONE PINE GAS OIL SPILL, DOCKET NO.: CWA-08-2006-0023** was filed with the Regional Hearing Clerk on April 18, 2006.


Further, the undersigned certifies that a true and correct copy of the document was delivered to David Janik, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on April 18, 2006, to:

Gilmer Mickey
Lone Pine Gas
6704 East Long Avenue
Centennial, CO 80112

And

Commander
Finance Center (OGR)
U. S. Coast Guard
1430 A Kristina Way
Chesapeake, VA 23326

April 18, 2006


Tina Artemis
Regional Hearing Clerk



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